



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1881

Introduced 2/23/2007, by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-60-2

from Ch. 24, par. 11-60-2

Amends the Municipal Code. Provides that a municipality may collect from the owner of record of property located within the municipality the reasonable cost of abating a nuisance on property. Provides that, in order to collect the cost of abatement, the municipality must show that (i) it provided reasonable notice of the nuisance to the owner of record, (ii) the owner failed to take steps to abate the nuisance, and (iii) the nuisance was remedied at the expense of the municipality. Provides that the municipality, or a person performing service on behalf of the municipality, may impose a lien on the property in order to recover the cost of abating the nuisance. Effective immediately.

LRB095 03849 HLH 23880 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-60-2 as follows:

6 (65 ILCS 5/11-60-2) (from Ch. 24, par. 11-60-2)

7 Sec. 11-60-2. The corporate authorities of each
8 municipality may define, prevent, and abate nuisances. The
9 corporate authorities of each municipality may collect from the
10 owner of record of property located within the municipality the
11 reasonable cost of abating a nuisance located on the property.
12 Before it may collect the cost, the municipality must show: (i)
13 that the municipality provided reasonable notice to the owner
14 that a nuisance exists, (ii) that the owner failed to take
15 steps to abate the nuisance, and (iii) that the nuisance was
16 subsequently remedied at the expense of the municipality. Any
17 cost imposed under this Section is a lien upon the real estate
18 affected, superior to all subsequent liens and encumbrances
19 except tax liens. Within 60 days after such cost and expense is
20 incurred, the municipality or person performing the service by
21 authority of the municipality, in his or its own name, must
22 file notice of the lien in the office of the recorder or the
23 registrar of titles, as applicable, in the county in which such

1 real estate is located. The notice shall consist of a sworn
2 statement setting out (i) a description of the real estate
3 sufficient to identify it, (ii) the amount of the cost and
4 expenses incurred or payable for the service, and (iii) the
5 date or dates when such cost and expense was incurred by the
6 municipality. However, the lien shall not be valid as to any
7 purchaser whose rights in and to such real estate have arisen
8 subsequent to the abatement of the nuisance and prior to the
9 filing of such notice, and the lien of such municipality shall
10 not be valid as to any mortgagee, judgment creditor, or other
11 lienor whose rights in and to such real estate arise prior to
12 the filing of such notice. Upon payment of the cost and expense
13 by the owner of or persons interested in such property after
14 notice of lien has been filed, the lien shall be released by
15 the municipality or person in whose name the lien has been
16 filed, and the release may be filed of record as in the case of
17 filing notice of lien.

18 The cost of the nuisance abatement shall not be a lien on
19 the real estate affected unless a notice is personally served
20 on, or sent by certified mail to, the owner of record for the
21 property. The notice shall be delivered or sent after the
22 abatement of the nuisance on the property. The notice shall
23 state the substance of this Section and the substance of any
24 ordinance of the municipality implementing this Section and
25 shall identify the property, by common description, and state
26 the nature and the location of the nuisance that was abated.

1 (Source: Laws 1961, p. 576.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.